

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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ALBERT A. KUBIAK,

Plaintiff,

v.

STACEY HARRIS, et al.,

Defendants.

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CIVIL ACTION

No. 11-6337

**ORDER**

**AND NOW**, this 1st day of March, 2013, after consideration of Plaintiff, Albert A. Kubiak's, Motion for Partial Summary Judgment against Defendant, Officer Stacey Harris ("Officer Harris") (Doc. No. 37), and the Response of Officer Harris, it is hereby **ORDERED** that said Motion is **DENIED**.

BY THE COURT:

/s/ Robert F. Kelly

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ROBERT F. KELLY

SENIOR JUDGE